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August 16, 2013

Hon. Joel A. Pisano, U.S.D.J.
U.S. District Court for the District of New Jersey
Clarkson S. Fisher Building & U.S. Courthouse
402 East State Street, Room 2020
Trenton, NJ 08608

> Re: *AstraZeneca AB, et al. v. Dr. Reddy's Laboratories Inc., et al.*
>   Case No. 3:11-cv-02317 (DRL I); Case No. 3:13-cv-00091 (DRL II)

Dear Judge Pisano:

We write with respect to Pozen's motion for summary judgment of validity in DRL II (D.E. 152). Pozen's Reply Brief incorrectly states that "issue preclusion is not before the Court" (*see* D.E. 168, at 9). A comparison of Pozen Exhibits A and B (D.E. 168-3, 168-4) demonstrates that *issue preclusion is the only real dispute*.[1] Indeed, Pozen relies upon the existence of the issue preclusion dispute in its effort to demonstrate jurisdiction. Pozen Reply Br. at 5 ("DRL's refusal to give plaintiffs any assurance that it will not contest the validity of the '907 patent going forward [in DRL I]" fails to divest the Court of subject matter jurisdiction).

Pozen's motion makes no sense in DRL II. If Pozen really wants a decision on the merits of validity of the patent, then they should move in DRL I, where DRL has interposed invalidity contentions, and not in DRL II, where DRL has only noninfringement contentions.

Respectfully,

Alan H. Pollack

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cc: Hon. Judge Douglas E. Arpert
       Counsel of record

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[1] Pozen's proposed stipulation states, "DRL agrees that this stipulation and judgment that *the claims of the '907 patent are not invalid shall preclude, by claim preclusion or issue preclusion or other preclusive effect, any challenge to the validity*" of the '907 patent. (Exh. A ¶ 8.) In contrast, DRL's Proposed Judgment states that the claims of the '907 patent "Are Not Invalid in Case No. 3:13-cv-00091 [] only, *and without any preclusive effect* in Case Number 3:11-cv-002317." (Exh. B, at 5.)